



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 24 2004

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Robert Burrows, President  
B&B Metals Processing Company, Inc.  
14520 Pioneer Road  
Newton, Wisconsin 53063

**Re: Finding of Violation B&B Metals Processing Company,  
Inc., Newton, Wisconsin**

Dear Mr. Burrows:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to B&B Metals Processing Company, Inc. (you). We find that you have violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Newton, Wisconsin facility.

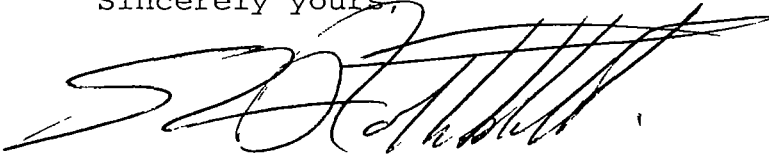
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Tanya Boomer. You may call her at (312) 353-4145 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Rothblatt', with a large, stylized flourish at the end.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Bill Baumann, Chief-Compliance and Enforcement Section WDNR  
Rick Wulk, Supervisor Northeast Region WDNR

**United States Environmental Protection Agency  
Region 5**

<b>IN THE MATTER OF:</b>	)	
	)	
B&B Metals Processing	)	<b>FINDING OF VIOLATION</b>
Company, Inc.	)	
Newton, Wisconsin	)	<b>EPA-5-04-WI-11</b>
	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that B&B Metals Processing Company, Inc. (B&B) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, B&B is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production at 40 C.F.R. part 63, Subpart RRR as follows:

**Regulatory Authority**

1. The NESHAP for Secondary Aluminum Production applies to B&B Metals Processing Company, Inc. (B&B).
2. The NESHAP, at 40 C.F.R. § 63.1500, applies to the owner or operator of each secondary aluminum production facility as defined in Section 63.1503.
3. The NESHAP, at 40 C.F.R. § 63.1503, applies to Group 1 furnaces, which is a furnace of any design that melts, holds, or processes aluminum that contains paint, lubricants, coatings, or other foreign materials with or without reactive fluxing, or processes clean charge with reactive fluxing.
4. The NESHAP, at 40 C.F.R. § 63.1506(a), requires the owner or operator to operate all new and existing affected sources and control equipment according to the requirements in 40 C.F.R. § 63.1506.



5. The NESHAP, at 40 C.F.R. § 63.1510(b), requires the owner or operator of an existing affected source to prepare and implement an Operation, Maintenance, and Monitoring (OM&M) Plan by March 24, 2003.

6. The NESHAP, at 40 C.F.R. § 63.1510(e), requires the owner or operator of an affected source or emission unit subject to an emission limit in kg/Mg (lb/ton) or  $\mu\text{g/Mg}$  (gr/ton) of feed/charge to install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, the affected source or emission unit, or to use an approved procedure to determine the total weight of feed/charge to, or aluminum production from, the affected source or emission unit.

7. The NESHAP, at 40 C.F.R. § 63.1511(b), requires the owner or operator of an existing affected source to perform tests on all its affected emission units by March 24, 2003 and list the results of those tests in its compliance report.

8. The NESHAP, at 40 C.F.R. § 63.1515(a), requires the owner or operator to submit an initial notification stating that it is subject to the standard.

9. The NESHAP, at 40 C.F.R. § 63.1515(b), requires the owner or operator of an existing affected source to submit a notification of compliance status report within 60 days after March 24, 2003.

10. The NESHAP, at 40 C.F.R. § 63.1516(a), requires the owner or operator to develop and implement a written Startup, Shutdown, and Malfunction (SSM) Plan.

11. The NESHAP, at 40 C.F.R. § 63.1516(b), requires the owner or operator to submit within 60 days of the end of each 6-month period an Excess Emission/Summary Report.

12. The NESHAP, at 40 C.F.R. § 63.1517(a), requires the owner or operator to maintain files of all information (including all reports and notifications) required by the general provisions, 40 C.F.R. Part 63, Subpart A and Subpart RRR.

#### **B&B's Facility**

13. B&B owns and operates a Secondary Aluminum Production facility at 14520 Pioneer Road, Newton, Wisconsin.

14. B&B's facility includes a Group 1 furnace, as defined at

40 C.F.R. § 63.1503.

15. B&B's Newton facility is subject to the requirements at 40 C.F.R. Part 63 Subpart RRR. B&B is an area source for Hazardous Air Pollutants (HAP).

### Violations

16. On March 24, 2003, B&B was required to submit an initial notification, stating that its facility was subject to the NESHAP Secondary Aluminum Production Requirements. B&B failed to submit the initial notification in violation of 40 C.F.R. § 63.1515(a).

17. On May 24, 2003, B&B was required to submit a notification of compliance status. B&B failed to submit that notification in violation of 40 C.F.R. § 63.1515(b).

18. By March 24, 2003, B&B was required to perform initial performance tests on its affected emission sources. B&B has not conducted such tests in violation of 40 C.F.R. § 63.1511(b).

19. By March 24, 2003, B&B was required to prepare and implement an Operation, Maintenance, and Monitoring (OM&M) Plan. B&B has not prepared or implemented an OM&M plan in violation of 40 C.F.R. § 63.1510(b).

20. By March 24, 2003, B&B was required to develop and implement an approved written Startup, Shutdown, and Malfunction (SSM) Plan. B&B has not developed or implemented an SSM plan in violation of 40 C.F.R. § 63.1516(a).

21. By October 24, 2003, B&B was required to submit its first Excess Emission/Summary Report. B&B failed to submit its report in violation of 40 C.F.R. § 63.1516(b).


22. B&B failed to maintain files of all information (including reports and notifications) required by the general provisions, 40 C.F.R. Part 63, Subpart A and subpart RRR in violation of 40 C.F.R. § 63.1517(a).

23. B&B failed to operate all existing affected sources and control equipment according to the operating requirements in Subpart RRR in violation of 40 C.F.R. § 63.1506(a)(1).

24. B&B failed to install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, the affected source or emission

unit, or to use an approved procedure to determine the total weight of feed/charge to, or aluminum production from, the affected source or emission unit in violation of 40 C.F.R. § 63.1510(e).

9/24/2004  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-WI-11, by Certified Mail, Return Receipt Requested, to:

Robert Burrows  
B&B Metals Processing Co., Inc.  
Newton, Wisconsin 53063

I also certify that I sent copies of the Finding of Violation by first class mail to:

Bill Baumann, Chief-Compliance and Enforcement Section  
Bureau of Air Management  
101 S. Webster St., P.O. Box 7921  
Madison, WI 53703

Rick Wulk, Supervisor Northeast Region  
WDNR  
1125 N. Military Ave.  
Box 10448  
Green Bay, WI 54307

on the 27<sup>th</sup> day of September, 2004.

Shanee Rucker  
Shanee Rucker, Secretary  
AECAS, (WI/MI)  
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: 70010320000615586004